

## REMARKS

### I. Status of Claims

Claims 1-5 and 7-17 are pending in the application. Claims 1 and 16 are independent. Claim 6 is canceled without prejudice and/or disclaimer to the subject matter therein. By this response, claims 1 and 16 are amended.

Claims 1-6 and 10-16 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Schaller et al. (USP 6,948,311) (“Schaller”) in view of Tashiro et al. (USP 6,622,480) (“Tashiro”).

Claims 7-9 and 17 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Schaller in view of Tashiro as applied to claim 1, and further in view of Christen et al. (USP 6,405,528) (“Christen”).

The Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and the following remarks.

### II. Pending Claims

Claims 1 and 16, the only independent claims, stand rejected under 35 USC 103(a) as allegedly being unpatentable over Schaller in view of Tashiro.

The Applicant respectfully submits that claims 1 and 16 are patentable over the cited references at least because they recite, “wherein the predetermined point in time is a point in time at which an estimated accumulation amount of particulate matter in the exhaust purifying mechanism becomes equal to or less than a threshold value.”

The Office Action recognizes that Schaller fails to disclose setting and comparing sections/steps as claimed. See pages 3 and 5 of the Office Action. Therefore, the Office Action cites Tashiro; however, the Applicant respectfully submits that Tashiro does not cure the deficiencies of Schaller.

In certain embodiments of the present invention, the pressure difference is compared with the pressure difference reference value  $D_p$  at a point in time when the PM accumulation amount  $PM_{sm}$  becomes less than or equal to the predetermined threshold value  $A$ . That is, the point in time for comparing the pressure difference is set based on the PM accumulation amount  $PM_{sm}$ . Therefore, the comparison of the pressure difference is performed when the

accumulation amount of particulate matter is decreased by a certain amount. As a result, a state that may cause the temperature of the DPNR converter 26 to be excessively increased may be avoided. For example, abrupt oxidation of a large amount of particulate matter, caused by intermittent fuel addition, may be avoided.

It is respectfully submitted that neither Schaller nor Tashiro disclose the setting and comparing sections /steps of Applicant's claims 1 and 16.

Therefore, the Applicant respectfully submits that, for at least these reasons, claims 1 and 16, as well as their dependent claims, are patentable over the cited references.

### III. Conclusion

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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